

Saguache County Board of Commissioners met in regular session
Tuesday, May 6, 2008 with the following present:

Sam Pace, Chairman
Linda Joseph, Vice Chairman
Mike Spearman, Commissioner
Ben Gibbons, County Attorney
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chairman Pace at 9:05 A.M.

Under Additions or Deletions to the Agenda:

1. USFW MOU under the attorney report.

Joseph moved to approve the agenda as amended. Spearman seconded the motion. The vote was three Ayes.

Reading and approval of minutes:

Joseph moved to approve the minutes of April 22, 2008. Spearman seconded motion. The vote was three ayes.

Review of Mail:

1. **Oil and Gas letters** have been received from:
 - a. Leigh Ann Lobato (4/22/08)
 - b. Dale Engquist (4/22/08)
 - c. May Engquist (4/22/08)
 - d. Maina Feder (4/22/08)
 - e. San Luis Valley Water Conservancy District (4/24/08)
 - f. Jack Hunt (4/28/08)
 - g. Mary McClure (4/28/08)
 - h. Cristina Cabeza (4/28/08)
 - i. Catherine O'Connor (4/28/08)
 - j. Dale Weiscamp (4/28/08)
2. **Dave Chubirka** sent a letter replying to the letter sent by Commissioner Sam Pace in regards to the northern access connecting road at the end of Camino Real. The Baca Grande Property Owners Association Board of Directors supports the

completion of this project and has no objection with the County doing what is needed to complete its part in the project. The Baca Grande Property Owners Association Land Use Department requests that once the property/easement is acquired and recorded that the Land Use office be sent the proper official maps and paperwork for the office records.

3. **Roy Mask** with the Gunnison Service Center sent a fax inviting the Saguache Board of County Commissioners to a “Sudden Aspen Decline Workshop” to be held May 8, 2008 from 8 to Noon at the Aspinall-Wilson Conference Center, Western State College, and Gunnison Colorado. (4/22/08)
4. **Charles S. Richmond** - Acting Forest Supervisor sent a certified letter in regards to the seasonal road closures and explained why he would like to keep the road closures in effect until weather conditions allow. Richmond requests that the Saguache County Road and Bridge coordinate first with the local ranger district and secondly with the Forest Engineer, Tom Condos, before opening roads to the public.
5. **The Colorado River District** sent the 2007 Annual Report. (4/28/08)
6. **The Caring for Colorado Foundation** sent the Annual Report for 2007. (4/29/08)
7. **The State of Colorado, Department of Natural Resources** sent “Report of the Commission” to the Saguache Board of County Commissioners showing the findings in regards to Lexam Explorations drilling and the request for an extension on the drilling permits. The permits have an extension for 1 year or until April 2, 2009. (4/30/08)
8. **Karen O’Bien** - Advisor for the Department of Public Health and Environment sent notice of May 6-12, 2008 is National Nurses Week.
9. **The Western State College of Colorado** sent a reminder of the 33rd Water Workshop Mining, Energy and Water in the West May 14 to May 16, 2008.
10. **Hazardous Waste Meeting** on Tuesday May 20th from 11am – 1pm At 4300 Cherry Creek Drive Denver, Co
11. **Colorado Department of Human Services** has approves the transfer of \$280,000.00 of Saguache County TANF allocation to Lake County.
12. Meeting Agenda for **Air Quality Control** on May 14,15,&16 in Denver, CO
- 13.2008 CDOT Annual Report Highway C

Spearman moved to enter into Executive Session at 9:16 A. M. for legal purposes under CRS 24-6-402 (4)(b). Joseph seconded the motion. The vote was three Ayes.

Spearman moved to return to regular session at 9:25 A. M. Joseph seconded the motion. The vote was three Ayes.

Introduction of Guests: Doug Larsen – Crestone Eagle; Roderick Landwehr – Attorney; Marnie Medina – Gunnison BLM; Gene Hollenbrook; John Dykes; Marshall Milam; Kendell Mastre; John Baker; Mark Woodcock; Jenny Chiappini; Andrew Archuleta – BLM/USFS.

Commissioners' Reports-Updates of Meetings:

Sam Pace reported:

- April 24 – Attended the Valley Commissioner League meeting.
- Met with Saguache County Council on Aging to transfer the Hazard account for them to oversee.

Linda Joseph reported:

- April 24 - Attended the Strategic Planning Session for the Noxious Weed Committee, in Alamosa, along with Commissioners Pace, Spearman and Randy Arredondo Road & Bridge Supervisor. This session was facilitated by Nature Conservancy personnel and Kelly Uhing, State Weed Coordinator, CO Dept. of Ag, Conservation Services Division.
- County Web & IT Services: There is a hold until June 8 on transferring the site from the past host, so Joseph continues to maintain the website. The contract for these services needs to be completed, and WBS paid their contract fee. Administration will set a working lunch meeting with Kenny Bertin - possibly May 20 - for Kenny to assist with set-up of BOCC computers for new email addresses, and to address any other IT issues.
- USFWS Cooperating Agency MOU: Made additional proposed changes to the MOU, to review and finalize, today.

Pace moved to approve sending a letter in support of DOW and USFWS to reconcile their differences and finish the Conservation Agreement for the management of the Gunnison Sage Grouse. Joseph seconded the motion. The vote was three Ayes.

- The Gunnison Sage Grouse Conservation Strategic Committee and Gunnison BOCC have requested a letter of support. The USFWS and DOW are at loggerheads on provisions of the Conservation Agreement, which is the centerpiece of efforts to manage the bird and preclude the need for it to be listed. They have asked that we join them in urging a meeting and solution that includes and addresses the concerns of all parties.

Mike Spearman reported:

- April 24 - Attended the Strategic Planning Session for the Noxious Weed Committee, in Alamosa, along with Commissioners Pace, Joseph and Road & Bridge Supervisor.
- Went to Washington D.C. with Colorado State University to attend sessions on

working with legislators. Met with Colorado Senators and Congressmen or their aides and attended presentations by several governmental agencies. Spearman had the idea to use the Extension Service network to bring renewable energy and energy conservation best practices to all rural areas I the state. Perhaps the utility companies could fund this educational component. Also spoke to several people concerning BLM oil and gas leases.

Lynn Zimmer and Wendi Maez - CO-Administrators:

Joseph moved to pursue getting a UMB Government purchasing credit card. Spearman seconded the motion. The vote was three Ayes.

- Government credit card through UMB. Currently Park County is using this type of card and they received a check for \$7,000 for rebate from 2007 purchases. This would help us put all accounts under one control account as the auditors have recommended. They will also print our tax ID on the credit card. The use of the tax ID still has to go through the procedures set by the company we are purchasing from for the tax exempt status. This card would be like any other credit card, but built for governments. The sample contract and executive summary have been emailed to Ben Gibbons for his review. Park County is very happy with the account they have with this company. If they are doing a real large purchase, they call and have their credit limit increased for the one time purchase, then it will go to its usual amount. Kathy Boyce, bookkeeper for Park County stated that they use this now more than ever and that the company is very good to work with.

Spearman moved to pay half of the WSB Computer Service Statement, which will be \$5000, and the remaining balance to be paid when the website is complete. Joseph seconded the motion. The vote was three Ayes.

- WSB has sent in the webmaster bill. The Board needs to decide how to set it up in the account journals. Joseph suggested that the web services and other IT services be under one line item. Also the amount the Board would like for the Tourism Council to pay for this services needs to be discussed.
- Board will need to sign the Colorado State Court Administrator Grant, which Sheriff Norris received.
- The Veterans report was signed.

Break

Wendi Maez - Land Use Administrator:

- Special event permit draft was presented to the Board. Attorney Gibbons suggested that the Board give Maez permission to issue a special event permit for the KIA/MIA celebration and the Board can work on a more general permit for the future.

Spearman moved to approve the subdivision exemption for RDJ Farms. Joseph seconded the motion. The vote was three Ayes.

- RDJ Farms, LLC – Subdivision Exemption request – NW1/4 19-41-8. This request is to subdivide a tract of land containing 7.521 acres from a 152.905 acre tract of land. The 7.521 acre tract is a sprinkler corner with an existing residence on the property. The Saguache County Planning Commission recommended approval of this request during their April 24, 2008 meeting.

Pace moved to approve the Mastre Conditional Use permit for a concrete construction operation with the conditions set by the Planning Commission. Joseph seconded the motion. The vote was three Ayes.

- Kendall and Sonja Mastre – Conditional Use request for 4 acres in the SW 1/4 NE ¼ 5-41 N-7E. This request is for a Concrete Construction operation with a shop building to store tools and equipment. The Saguache County Planning Commission recommended approval of this request at their April 24th meeting – with the following conditions: the 4 acres to be used are to be located on the north side of the property only and that a sewage disposal system be installed, residential system may not be used.

Joseph moved to table the Hollenbeck lot consolidation request until the Board can visit the site. Spearman seconded the motion. The vote was three Ayes.

- Duane Hollenbeck – Lot Consolidation request – Lots 36, 38 thru 46 and 48 thru 50 – Colorado Mountain Ranches. The Saguache County Planning Commission recommended approval of this request at their meeting on April 24, 2008. The motion was to recommend approval of the lot consolidation contingent on research being done on the location of the roads and their access. There have been a lot of concerns about this consolidation from several different landowners in the area. Mr. Hollenbeck has Six Mile

Lane, which is a Saguache County Road, gated and locked. Arredondo has been to Colorado Mountain Ranches and stated that the County Road goes thru to the public lands. The lot consolidation isn't being objected to but the gates being locked and no access is the main concern, Six Mile Lane is the emergency access route for several subdivisions and landowners in the area.

Spearman moved to deny the Conditional Use permit for Morley Salvage Yard. Joseph seconded the motion for further discussion. The motion was withdrawn.

Paced moved a substitute a motion to table the application at the request of the applicant to revise the application. Joseph seconded the motion. The vote was two Ayes and one Nay.

Robert P Morley/Haven Wellman – Conditional Use request for 10 acres in the NW ¼ 18-44-10. This request is for a Salvage Yard and Additional Residence. There are two residences on the property at this time, one is located on the property legally and other has been moved on to the property without receiving County approval prior to placement on the property. The Saguache County Planning Commission recommended approval of this request with a vote of 4 ayes and 3 nays. The SCPC recommendation is as follows: the 10 acres to be used for the residences and salvage yard must be enclosed with an eight foot privacy fence, applicant must maintain business within the Auto Salvage Yard Standards of the State of Colorado, management of ANY liquid waste must be disposed of as per State of Colorado regulations, additional residence must have an approval individual sewage disposal system and all conditions of this recommendation must be met within one year of approval. There are several adjoining landowners' complaints and concerns addressed during the meeting. After much discussion, the Planning Commission recommended approval due to the fact that they tried really hard to address the complaints and concerns and one member felt that this a business that Saguache County needs and there is another commercial operation located north of this request. Issues discussed included – scale of the project, blight and significant road concerns, the usefulness of the intended business, scarcity of other sites, and the immediate neighbors' concerns.

Paced moved to deny the variance request for a 1970 Marlette mobile home to be placed on the NW1/4 18-44-10 which Morley's own. Joseph seconded the motion. The vote was three Ayes.

- Robert P Morley/Haven Wellman – variance request for a structure older than 20 years(1970 Marlette mobile home) to be placed on NW ¼ 18-44-10. This request is for the additional residence, mentioned above, to be brought into compliance with our regulations. Mr. Morley moved the mobile home from the Baca Grande subdivision without a moving permit or county approval for the year of the structure or construction permit. This mobile home has been placed very close to the adjoining landowner's property and she has expressed concerns about its location. The Saguache County Planning Commission recommended DENIAL of this request.

Land Use received a response from the Baca Grande W&S District concerning the two lots in Mobile Home Estates. The tap fees are only due and payable if construction starts on the property. Annual fees "Anything that the County owns and does not sell by year-end gets written off. The property gets billed but the County does not have to pay it."

Ben Gibbons – Attorney report:

- Contract for the Valley Transit Authority was presented and there were a few conditions that need to be clarified. Gibbons will look into these conditions further.

Adjourned for lunch at 12:00 P.M.

Meeting reconvened at 1:03 P.M.

Randal Arredondo – Supervisor Road & Bridge and Land fill report:

- Presented a map of the county gravel pit off County Road B near Center. There is easily over 60 acres available for sighting of the Sunstation.
- Map of the County Road Camino del Rey indicates that it runs all the way to the National Park boundary. Received a letter from the Baca Grande Property Owners Association that indicated they had no objections to extending the road as needed.
- Has gotten the name of a contact person at CDOT to discuss the Hwy 114 hazmat issue.
- The County won't need to object to any of the Forest Service seasonal road closures.
- Tim Lovato inquired as to why the County was doing work on private or BLM roads. Arredondo will work with Attorney Gibbons to draft a written policy on the County doing road work on roads not belonging to the County.
- Revising the rates for road work.

Land fill report:

- Free dump day brought in 249,060 pounds of trash that is no longer cluttering up the County.

Ben Gibbons – Attorney report:

- Revised protest letter to the BLM about oil and gas leases.
- Agreement with the Principle Group for retirement fund looks good and is ready for signing.
- State Oil and Gas regulations hearings are June 23 – 27 and the County must submit a pre-hearing statement of the testimony that will be given to the Commission. Saguache County could write their own or sign on to another County's statement. Someone from Saguache needs to go up to Denver and testify at the hearing. The Board will send their concerns to Gibbons to compile and then the decision can be made on how to respond.

Jeannie Norris - Social Services Director:

- There are no reports from the DSS divisions due to our change in meeting schedule. Reports will be available for the June meeting, and regularly thereafter.
- The Elder Law seminar which was attended by Julie Westerman and Norris on April 25 was outstanding. We have reference material concerning guardianships and conservatorships, long term care and financial options, as well as the recent legislative updates in Medicaid eligibility. With these resources and information, we can present a “mini seminar” to our staff.
- The SLV Chapter of American Red Cross will present “Babysitters Bootcamp” in the Social Services Conference Center on May 16. We are very excited about this, as we can provide certification that babysitters have been trained in safety issues and CPR before the summer vacation begins.
- Computer equipment which is networked into the State system is mandated to be purchased from Hewlett-Packard through Dynamics Research Corporation in order to be supported by their technicians. The price for three computers with 17” monitors for the Center office is \$1,049 per computer, and \$599 for one printer. There would be an additional bill of \$866.00 for travel, installation, tech support, and switch support. Awaiting a bid for three laptop computers and support for the Child Welfare Unit.
- Tom Perkins visited DSS on Thursday, and we went over the CFMS books. State accounting released projected figures through the end of the fiscal year to give an idea how the final numbers will look at the end of June. We are well within our allocations at this point. We have been notified of a supplemental funding addition to the Child Welfare allocation for this year of \$11,424. We also discussed at length the potential addition of another caseworker. Our staff is carrying the maximum allowable caseload per worker in Child Protection at this

point. We will compile the necessary documentation to submit to the State Department.

- The Summit on Children, Youth and Families will be held in Keystone May 27 – 30. This will be a “family issues” conference, which will encompass directors, child welfare and the judiciary. Scholarships have been provided for two rooms, and half of the third, so that only mileage will need to be paid out of our budget. Judge Pattie Swift has invited Norris to serve on the 12th Judiciary Team to develop new programs and joint ideas. The “CASA” project is scheduled for discussion among others.
- Norris will attend the Valley Transportation Committee meets on Monday May 12th in Alamosa.

Joseph commended Norris for stepping up to serve as the County’s PIO in the event of a medical emergency.

Andrew Archuleta – U. S. Forest Service/Bureau of Land Management

- Weed Field trip with BLM/USFS is on June 12th to tour County.
- May 13th at 1:00 will be the Campground tour in the National Forest with the USFS.
- There will be some controlled burns in the National Forest.
- USFS and the USPS will hold scoping meetings on May 14th at the White Eagle Village and May 15th in Alamosa. The USFS will take public input on the Baca Mountain Tract, and the North Access to the Park.
- The County will send a second letter of protest regarding the parcels in San Isabel and Rito Alto watersheds Discussion of the policies surrounding withdrawing leases and how procedures may vary between different Federal Agencies.
- BLM has sent a letter to the residents on BLM Road 5300 that it is not a legal year round road and they need to apply for right of way grants.

Joseph moved to enter into Executive Session at 2:36 P.M. for legal purposes under CRS 24-6-402 (4)(b). Spearman seconded the motion. The vote was three Ayes.

Spearman moved to return to regular session at 2:45 P. M. Joseph seconded the motion. The vote was three Ayes.

- There have been several test sites on the BLM for wind energy. Solar is also being investigated.

Break

Joseph moved to convene as the Housing Board at 3:00 P.M. Spearman seconded. The vote was three Ayes.

Joseph moved to adjourn the Housing Board and return to regular meeting at 3:08 P.M. Spearman seconded. The vote was three Ayes.

Rio Grande Watershed Association of Conservation Districts:

Spearman moved to approve the Title III funding request for the position currently held by Judy Lopez. Joseph seconded the motion. The vote was three Ayes.

- **Rio Grande Watershed Association of Conservation District:** Title III funding request. This request is to help the Rio Grande Watershed Association of Conservation District cover expenses for the Rio Grande Watershed Conservation Education Program in the amount of \$2362.

Quarterly revenue and expense review:

- Revenues are behind in Nursing.
- Insurance Property and Casualty is up for all departments due to unexpected rate increase.

Ben Gibbons – Attorney report:

Gibbons will submit the MOU back to USFWS. There are only three places with revisions, meant to clarify roles and collaborative intentions.

- Sales Tax grants:

The reporting requirements for each of the awarded grants has been drafted by Joseph. Admin will prepare letters and forward to Joseph to proofread.

Bill paying

Spearman moved to adjourn at 4:25 P.M. Joseph seconded. The vote was three Ayes.

Respectfully Submitted

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved May 13, 2008

Chairman of the Board

Attest

Commissioner

Commissioner